

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

ANNA L. NEWQUIST and
CARROLL NEWQUIST, her
husband,

Plaintiffs

v.

WAL-MART STORES EAST, L.P.,

Defendant

CIVIL ACTION – LAW

JUDGE: _____

NO.: _____

NOTICE OF REMOVAL

NOW COMES the Defendant to this matter, WAL-MART STORES EAST, L.P., through counsel, Thomas, Thomas and Hafer, LLP, and hereby files this Notice of Removal based upon the following:

1. The above-described action was commenced by the Plaintiffs' filing a Complaint against Defendant on January 31, 2022, in the Court of Common Pleas for Luzerne County, Pennsylvania. (A true and correct copy of the Complaint is attached hereto and incorporated by reference herein as Exhibit "A".)
2. Defendant was served with the Complaint on February 4, 2022.
3. Plaintiffs reside and are domiciled in Snyder County, Pennsylvania, having an address at 8 Smokehouse Lane, Apartment 217, Shamokin Dam, Pennsylvania, and are citizens of the Commonwealth of Pennsylvania. See, Ex. A.

4. The Defendant, Walmart Stores East, L.P., is a foreign limited partnership formed in Delaware with a principal place of business in Bentonville, Arkansas. See, Ex. A.

5. The Partners of Wal-Mart Stores East, L.P., are WSE Management, LLC (general partner), and WSE Investment, LLC (limited partner). Both are Delaware limited liability companies with principal places of business in Arkansas. The sole member of WSE Management, LLC, and WSE Investment, LLC, is Wal-Mart Stores East, LLC, an Arkansas limited liability company with a principal place of business in Bentonville, Arkansas. The sole shareholder of Wal-Mart Stores East, LLC, is Walmart, Inc. (formerly known as Wal-Mart Stores, Inc.), a Delaware corporation with a principal place of business in Arkansas. Accordingly, no partner or controlling entity of Defendant, Wal-Mart Stores East, L.P., is a citizen of or has a principal place of business in the State of Pennsylvania.

6. A fair reading of the Complaint and the allegations of damages asserted therein establish that the amount in controversy in the underlying action is believed to exceed \$75,000, exclusive of interest and costs. See, Ex. A.

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C.A. §1332, and the case is removed to this Court pursuant to 28 U.S.C.A. §1441(b). This Notice is filed timely under 28 U.S.C.A. §1446(b), in that less than 30 days

have passed since Defendant was served with a copy of the initial pleading setting forth the Plaintiffs' claim for relief.

8. Written notice of filing of this Notice of Removal shall be given to all parties as required by 28 U.S.C.A. §1446(b).

9. A true and correct copy of this Notice of Removal is being filed with the Prothonotary in the Court of Common Pleas of Luzerne County, Pennsylvania, as required by 28 U.S.C.A. §1446(d).

WHEREFORE, Defendant, WAL-MART STORES EAST, L.P., respectfully requests that this action be Removed to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE

PA Atty. ID No.: 84034

JOSEPH J. SHIELDS, ESQUIRE

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Counsel for Defendant

CERTIFICATE OF SERVICE

I, RYAN C. BLAZURE, ESQUIRE, hereby certify that on the 4th day of March 2022, I sent a true and correct copy of Defendant's Notice of Removal by electronic mail to:

Michael B. Smith, Esquire
Fanelli, Evans & Patel, PC
1 Mahantongo Street
Pottsville, PA 17901
msmith@feplawyers.com

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE
PA Atty. ID No.: 84034
JOSEPH J. SHIELDS, ESQUIRE
PA Atty. ID No.: 312227

Attorneys for Defendant